

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0764
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Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 35 DP 2610, 98 Cutler Road CLONTARF NSW 2093
Proposed Development:	Alterations and additions to the existing dwelling house.
Zoning:	Manly LEP2013 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Development Determination Panel
Land and Environment Court Action:	No
Owner:	Peter Thomas Bowes
Applicant:	BBF Town Planners

Application lodged:	10/05/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	16/05/2018 to 01/06/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,039,290.00
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);

- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 4.6 Exceptions to development standards

Manly Development Control Plan - 3.1 Streetscapes and Townscapes

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 3.4.3 Maintenance of Views

Manly Development Control Plan - 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

Manly Development Control Plan - 4.1.3 Floor Space Ratio (FSR)

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

Manly Development Control Plan - 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

Manly Development Control Plan - 4.4.2 Alterations and Additions

Manly Development Control Plan - 4.4.5 Earthworks (Excavation and Filling)

SITE DESCRIPTION

Property Description:	Lot 35 DP 2610 , 98 Cutler Road CLONTARF NSW 2093
Detailed Site Description:	<p>The subject site consists of an allotment located on the northern side of Cutler Road.</p> <p>The site is irregular in shape with a frontage of 13.2m along Cutler Road and a depth of 23.535m-28.67m. The site has a surveyed area of 317.9m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a dwelling on site..</p> <p>The site has a slope from the rear to the front of the property, including a fall of approximately 8m.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by dwelling houses on each side of Cutler Road.</p>

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- DA608/2003- Replacement of leaking roof, with grey colourbond approved on 19 January 2004.
- DA115/2017- Removal of Gum tree approved on 24 August 2017.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is for alterations and additions to the existing dwelling including:

- Excavation.
- Construction of "Level 1" including garage, storage, laundry, lift and stairs.
- Construction of "Level 2" with bedroom, ensuite, walk in robe, media room and cellar.
- Construction of retaining walls
- Landscaping.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
DA2018/0764	



Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Tomasy Pty Ltd	1/41-49 Darley Street MONA VALE NSW 2103

The following issues were raised in the submissions and each have been addressed below:

- Excavation
- Overdevelopment
- Inadequate information (overshadowing and view sharing)

The matters raised within the submissions are addressed as follows:


- Excavation
Comment:
The support provided by the geotechnical report (subject to conditions to be enforced), a proposed total floor space that can be reasonably expected (given compliance with the clause for FSR to undersize lots under the Manly DCP), the lack of impact to natural watercourses and the limitation of change to the topography given its existing hard surface and artificial nature, all show that the proposal provides an adequate outcome for the area as a result of the proposed excavation.
- Overdevelopment
Comment:
The proposal is compliant with the control under the DCP for floor space to undersize lots. Along with the compliant height, reasonable setbacks and modulation as described further in this report, this provides a situation in which the development proposed is of a bulk that can be reasonably expected under the Manly DCP, given the context of this site and area. Additionally, it is noted that the proposed height of the building is substantially lower than the existing height of the neighbouring buildings and that the soft landscaping provided to the frontage will assist in reducing the presentation of development.
- Inadequate information (overshadowing and view sharing)
Comment:
The submitted information along with assessment made by the Assessment officer (through site visits) was adequate to determine the proposed impact on overshadowing and views. These impacts have been assessed further in this report.

MEDIATION


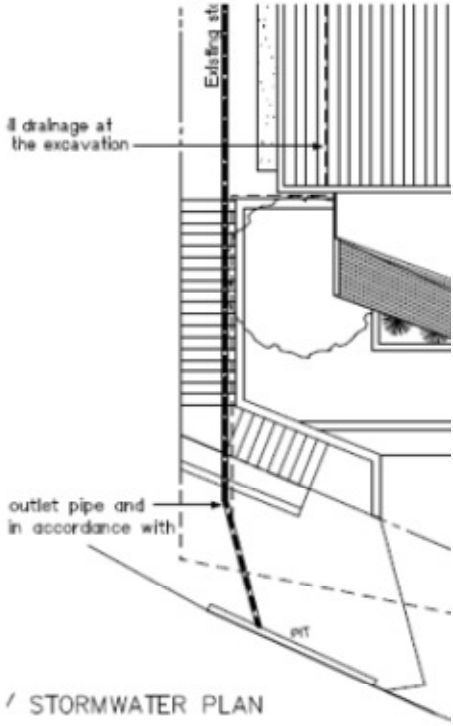
No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The landscape component of the proposal is acceptable, subject to completion of landsc...
NECC (Development Engineering)	<p>3rd referral response 15/8/2018 An OSD design has been submitted on 7/8/2018. The plan is prepared by Jack Hodgson Consultants. Development Engineer has assessed the plan. We raise no objection to the application subject to the following conditions of consent.</p> <p>The total proposed impervious areas of the development is over 60 % of the total site are In accordance with Council's " Manly Specification for On site Stormwater management 2</p>

Internal Referral Body	Comments
	<p>detention system (OSD) is required. There has no OSD details in this DA submission. As such, Development Engineer cannot process further assessment without the OSD info</p> <p>2nd referral 31/7/2018 An email has been sent on 10/7/2018 to clarify the requirement of the OSD in accordance And no addition/ new information has been submitted. Please refer to my original comment on the DA.</p> <p>Hi Alex,</p> <p>Additional information has been provided and is in TRIM. (7/08/2018)</p> <p>Regards, Tom</p>
Property Management and Commercial	<p>See TRIM 2018/512472</p> <p style="text-align: right;">DA2018/0764 - 98 Cutler Road, Clontarf Property Referral Comments</p>  <p>There is a current Road Reserve Consent Approval for the existing part garage structure proposed works under this DA are approved this Road Reserve Consent will be cancelled</p>



Internal Referral Body	Comments
	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">  <p data-bbox="322 1146 805 1220">Illustration of Entry Stair retaining wall layout</p> </div> <div style="width: 45%;">  <p data-bbox="1024 1070 1284 1102">/ STORMWATER PLAN</p> </div> </div> <p data-bbox="316 1370 1473 1444">The new DA shows a retaining wall/garden bed is proposed within the Council road reserve. Consent Approval unless the plans are altered to move this back within the property.</p> <p data-bbox="316 1467 1473 1500">If a Road reserve Consent Approval is required the following is to be conditioned within the approval:</p> <p data-bbox="411 1527 1473 1630"><i>“A “Consent for use of a portion of Road Reserve” Application will be required for the use of the property within Council’s Road Reserve. In this regard please contact Council’s Administration Officer for more information. Please note that this application must be obtained prior to issuing of the Construction Certificate.”</i></p> <p data-bbox="316 1635 523 1769">Lisa Henderson Property Officer 10/8/18 (rec'd 9/8/18)</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A294809_02).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8m	N/A	Yes.
Floor Space Ratio Site area: 317.9m²	FSR: 0.4:1 (127.16m ²)	FSR: 0.868:1 (276m ²)	117%	No, see comments under Clause 4.6.

Note:

Under Clause 4.1.3.1 of the Manly DCP 2013, exceptions to FSR for undersized lots are provided. In this case, the subject site is in Area 'R' for subzones on the LEP lot size map. The clause provides that calculation for FSR on this 'undersized lot' can be based on '750sqm lot size/site area'. The following shows that the proposed development is compliant with this:

Requirement (based on 750sqm lot size/site area)

0.4:1
(300m²)

Proposed
0.368:1
(276m²)

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	No
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes

Detailed Assessment

4.6 Exceptions to development standards

Floor Space ratio

Requirement:	0.4:1 (127.16m ²)
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Proposed:	0.868:1 (276m ²)
Is the planning control in question a development standard?	Yes.
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical.
If numerical enter a % variation to requirement	117%

The proposal must satisfy the objectives of Clause 4.4 Floor Space Ratios, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the MLEP 2013. The assessment is detailed as follows:

Is the planning control in question a development standard?

The prescribed Floor space ratio limitation pursuant to Clause 4.4 of the MLEP 2013 is a development standard.

What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.4 – ‘Floor space ratio’ of the MLEP 2013 are:

(1) The objectives of this clause are as follows:

a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,

Comment:

The proposed dwelling is compliant with the controls for open space and landscaped area as well as the development standard for building height to provide a building that would present at a lower height than the neighbouring properties and with a presentation of landscaping and vegetation that is complementary with the area. Additionally, the proposal is compliant with Clause 4.1.3.1 of the Manly DCP which provides exceptions to FSR for undersized lots which shows that the proposed bulk and scale is consistent with what is expected and desired in the area. Along with the vegetated presentation at the frontage provided by planter boxes, this ensures that the proposed development is consistent with the existing and desired streetscape character of the area.

b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,

Comment:

As a result of the maintenance of a compliant building height, reasonable front setbacks to the upper floors and the majority of new works being to lower levels, view corridors are adequately maintained to the through the front of the subject site from the neighbouring properties.

c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,

Comment:

The proposed development would be more than 2.5 metres lower in height than the neighbouring buildings as it allows for habitable areas at lower levels of the site. Along with this reduction in bulk through building height minimisation, this maintains appropriate visual relationship as the existing area to the front of the site is made up of predominantly retaining wall and rock (presenting as a hard surface and built form than a natural or vegetated slope). As such, transformation of this area into built form would maintain a similar visual relationship on site but also provide a positive outcome through vegetation features in planter boxes to be complementary with the vegetated areas at the neighbouring sites.

It is also noted that Council's Landscape officer supported the proposal, subject to conditions.

d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,

Comment:

As a result of the compliant building height, adequate building modulation and subject to the recommendations and conditions provided by the Geotechnical report, the proposal will adequately minimise environmental impacts.

e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.

Comment:

Not applicable.

What are the underlying objectives of the zone?

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R2 Low Density Residential zone.

The underlying objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposal is for alterations and additions to the existing dwelling.

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

Not applicable.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the MLEP 2013?

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

Comment:

In this circumstance, providing flexibility to the floor space ratio development standard is appropriate as the non-compliance does not lead to any unreasonable amenity impact and would be appropriate in the street context.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment:

It is appropriate to allow flexibility in this circumstance as an addition of floor space below the existing levels along with a car parking level can provide a visual outcome for the streetscape that is more complementary with surroundings than the existing rock and deteriorated retaining walls.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

The applicant has provided a justification which includes the following:

"It has been determined that the proposal has a gross floor area of 275sqm resulting in an FSR of 0.86:1 and is therefore non-compliant with the FSR standard by 147.84sqm (53%). Having regard to the stated objectives and pursuant to Clause 4.6(3)(a) it is considered that strict compliance is both unreasonable and unnecessary for the following reasons:

- The site is significantly below (432.1sqm under) the minimum lot size requirement pursuant to the Manly LEP 2013 and would yield a compliant FSR (0.36:1) based on the minimum lot size of 750sqm. A variation is therefore requested pursuant to Clause 4.1.3.1 of the Manly DCP 2013.*
- The proposed development adhered to the objectives of the R2 Low Density Zone in relation to residential development.*

- *The proposed development is consistent with the objectives of the floor space ratio development standard as set out under Clause 4.4(1) of the MLEP 2013 in that:*
 - a) *The proposed alterations and additions do not result in an adverse impact on the existing or desired future streetscape character;*
 - b) *No existing valuable landscape or townscape features will be lost as a result of the proposed development;*
 - c) *The height, bulk, scale and floor space proposed are entirely consistent with the built form characteristics established by adjoining development and development generally within the sites visual catchment.*
- *It has been determined that the floor space ratio proposed will not give rise to any adverse residential amenity impacts in terms of view loss, overshadowing, privacy or visual bulk. The proposal provides for the sharing of public and private views.*
- *The height of the dwelling complies with the maximum permissible height limit pursuant to 4.3(2) of the MLEP 2013. Pursuant to Clause 4.6(3)(b) there is considered to be sufficient environmental planning grounds to justify contravening the floor space ratio development standard in that:*
 - *The proposal is considered to satisfactorily meet the objectives for the R2 Low Density Residential Zone and the objectives of the floor space ratio development standard;*
 - *The variation is requested due to the topographical (steep slope) environmental constraints of the site and position of the existing dwelling to be retained;*
 - *The subject site is an undersized allotment. Based on the minimum lot size for the site under the MLEP 2013 (750sqm), the proposed FSR of 0.36:1 would comply with the standard;*
 - *It has been determined that the floor space ratio proposed will not give rise to any adverse residential amenity impacts in terms of view loss, overshadowing, privacy or visual bulk. The proposal provides for the sharing of public and private views;*
 - *Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 I have formed the considered opinion that most observers would not find the height of the proposed development offensive, jarring or unsympathetic in a streetscape context nor the built form characteristics of development within the sites visual catchment. Accordingly it can be reasonably concluded that the proposal is compatible with its surroundings when viewed from the harbour, foreshore areas, public domain and surrounding properties.*
 - *Having regard to the matter of Veloshin v Randwick City Council [2007] NSWLEC 428 this is not a case where the difference between compliance and non-compliance is the difference between good and bad design.*
 - *Having regard to Four2Five Pty Ltd v Ashfield Council (2015) NSW LEC 1009 and clause 4.6 (3)(a) of HLEP 2013 I am of the opinion that compliance with Clause 26 of the SEPP is unreasonable and unnecessary in the circumstances of this application, given the relationship of the proposed height of the building to its neighboring sites; the absence of environmental impacts associated with privacy, view impacts or sunlight access to neighbouring dwellings.*
 - *The proposal accords with the matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979."*

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) *the consent authority is satisfied that:*

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment:

The applicants written request has adequately addressed the matters required to be demonstrated by subclause 3.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment:

For reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone in the MLEP 2013.

(b) the concurrence of the Director-General has been obtained

Comment:

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to the development standards under environmental planning instruments that adopt Clause 4.6 of the standard instrument where the variation to a numerical standard is no greater than 10%. In this case there is a variation of greater than 10% (to FSR). However, following advice from the Department of Planning and Environment, single dwellings with a variation of more than 10% for floor space ratio or building height may be determined by a delegate of Council. As such, the proposal has been referred to the Development Determination Panel for determination.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 317.9m ²	Requirement	Proposed	% Variation*	Complies
4.1.2.1 Wall Height	East 7m (based on gradient 1:12)	6.7m	N/A	Yes.
	West: 7.5m (based on gradient 1:6)	8m	N/A	No, see comments.
4.1.2.2 Number of Storeys	2	4	N/A	No, see comments.
4.1.4.1 Street Front Setbacks	Prevailing building line / 6m	1.6m-7.2m.	N/A	No, see comments.
4.1.4.2 Side Setbacks	East: 2.23m (based on wall height)	0.7m-2m	N/A	No, see comments.
	West: 2.66m (based on wall height)	1.1m-3.1m	N/A	No, see comments.
	Windows: 3m	0.7m-3m	N/A	No, see comments.
4.1.4.4 Rear Setbacks	8m	4.7m	N/A	No, see comments.
4.1.5.1 Minimum Residential Total Open Space Requirements	Open space 60% of site area	65.7% (209m ²)	N/A	Yes.



Residential Open Space Area: OS4	Open space above ground 25% of total open space	19.1% (40m ²)		
4.1.5.2 Landscaped Area	Landscaped area 40% of open space	43% (90m ²)	N/A	Yes.
4.1.5.3 Private Open Space	18sqm	18sqm	N/A	Yes.
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas	Maximum 50% of frontage up to maximum 6.2m	67%	N/A	No, see comments.
Schedule 3 Parking and Access	Dwelling 2 spaces	2 spaces	N/A	Yes.

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	No	Yes
4.1.3 Floor Space Ratio (FSR)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	Yes	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	No	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.2 Alterations and Additions	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.4.5 Earthworks (Excavation and Filling)	No	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

Detailed Assessment

3.1 Streetscapes and Townscapes

Description of non-compliance

The proposed garage is non compliant with the control for front setbacks, being 1.7m-4.2m from the frontage.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To minimise any negative visual impact of walls, fences and carparking on the street frontage.

Comment:

Given the existing excavation required to set the car parking back from the street and the proposed planter to the roof of the garage, the proposal will reasonably minimise visual impact due to its setback and design. The proposed parking is further setback than the existing garage and is also compliant with the numerical requirement for number of spaces for car parking under the Manly DCP. This provides a better outcome that also minimised visual impact.

Objective 2) To ensure development generally viewed from the street complements the identified streetscape.

Comment:

The proposal provides a reasonable front setback (given the amount of excavation required to obtain this), resulting in car parking that is further setback than the existing garage. Along with the proposed planter box, this provides for a development that complements the identified streetscape.

Objective 3) To encourage soft landscape alternatives when front fences and walls may not be appropriate.

Comment:

The proposal is compliant with the requirement for landscaped area under the Manly DCP and provides an adequate combination of build form and vegetation at the street frontage.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

3.4.2 Privacy and Security

Description of non-compliance

The proposal is non-compliant with the requirement for windows to be setback 3m from the boundary, being 0.7m-1.5 m at the east and 1.7m-3m at the west.

The proposal is also non compliant with the control for side setbacks (see comments under setbacks).

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To minimise loss of privacy to adjacent and nearby development by:

- *appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; and*
- *mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.*

Comment:

The proposal provides windows that are within the side setbacks but are narrow, obscured or well separated from adjoining living areas to ensure that there would not be unreasonable overlooking between the proposed development and adjoining properties. In particular, the windows which are adjacent to 96 Cutler Road are highlight and screened along with one narrow window. Additionally, the physical separation and orientation of the western elevation away from the neighbouring property, ensures privacy loss is minimised in this area.

Objective 2) To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.

Comment:

As a result of the proposal maintaining a similar front and rear setback along with the adequate modulation to the side elevations, the proposal will provide spacing that adequately allows for both privacy and access to other amenity such as light and air. Additionally, the front setback also allows for views to be maintained for neighbors through the front of the subject site along with the existing views directly to the front of these sites.

Objective 3) To encourage awareness of neighbourhood security.

Comment:

The proposal provides entrances and open space above ground to ensure opportunity for awareness of neighbourhood security.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the

proposal is supported, in this particular circumstance.

3.4.3 Maintenance of Views

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.

Comment:

The subject site and adjoining properties have views to the south toward the harbour. As a result of the orientation and subdivision pattern of these sites, the views are predominantly available over the front boundary. As a result of the dwelling maintaining a similar front setback to the existing dwelling, the neighbouring properties will reasonably maintain these views to the front of the property and the new development will provide further opportunity for access to these views at the front of the property. This provides a reasonable circumstance and balance for view sharing.

Objective 2) To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).

An assessment of view loss has also been undertaken with reference to the Views Principle established by the NSW Land and Environment Court as follows:

96 Cutler Road

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment:

The views to be affected are water views over the side boundary and to the front of the subject site. These views include land and water interface but are partial relative to the whole view available to the front of 98 Cutler Road.

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment:

The views are obtained over the western side boundary and to the front of 96 Cutler Road. Views to be affected are generally from areas at the rear of 98 Cutler and through the side setback. The views from

the front living areas of the property are less affected or unaffected.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20 percent if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment:

As a result of the views that are retained from the front living areas of 96 Cutler Road and the minor extent of view loss over a side boundary, the overall view loss for the property is negligible.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comment:

In this instance, a negligible impact arises as a result of the proposed development. As a result of the reasonable design and maintenance of a view corridor to the front of the subject, this impact is reasonable.



Photo 1: Taken from rear room in 96 Cutler Road.

100 Cutler Road

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment:

The views to be affected are water views over the side boundary and to the front of the subject site. These views include land and water interface but are partial relative to the whole view available to the front of 100 Cutler Road.

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment:

The views are obtained over the eastern side boundary and to the front of the subject site. The views affected are from a living space at the front of 100 Cutler Road and the as a result of being over the side boundary and given views affected it is relatively unrealistic to expect retention of the view.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20 percent if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment:

As a result of the views that are retained to the front of 100 Cutler Road and the minor extent of view loss over a side boundary, the overall view loss for the property is negligible.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comment:

In this instance, a negligible impact arises as a result of the proposed development. As a result of the reasonable design and maintenance of a view corridor to the front of the subject, this impact is reasonable.

Objective 3) To minimise loss of views, including accumulated view loss 'view creep' whilst recognising development may take place in accordance with the other provisions of this Plan.

Comment:

As a result of the orientation and location of neighbouring properties, the major views which exist are harbour views to the south. The reasonable front setback and modulation of the proposed development at the front of the site ensure that there will be a minimisation of view loss and reasonable limitation of view creep.

In addition, the compliant building height ensures potential remains for views to be obtained from properties to the north.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)

Description of non-compliance

The proposal is non-compliant with the control for wall height at the western elevation. The requirement is 7.5m and the proposed height is 8m.

The proposal is also non-compliant with the control for number of storeys. The requirement is for 2 storeys and the proposal is for 4.

Merit consideration:

With regard to the consideration for a variation, the clause states that the objectives for Height of buildings under Clause 4.3 of the Manly LEP 2013 are particularly applicable and as such the non compliance are considered against these objectives:

(a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,

Comment:

The proposed overall building height is compliant with the development standard despite being non compliant with the controls for number of storeys and wall height. The area is generally characterised by two and three storey development with a mixture of roof forms. The proposed dwelling would be at a lower height than the neighbouring buildings and the style and height would appropriately fit into the surrounding area.

(b) to control the bulk and scale of buildings,

Comment:

The proposal provides a compliant building height under the Manly LEP, provides a well modulated design and is compliant with the requirements for open space under the Manly DCP. This ensures that bulk and scale is adequately reduced to ensure visual and amenity impact is minimised.

(c) to minimise disruption to the following:

- (i) views to nearby residential development from public spaces (including the harbour and foreshores),*
- (ii) views from nearby residential development to public spaces (including the harbour and foreshores),*
- (iii) views between public spaces (including the harbour and foreshores),*

Comment:

As a result of the compliant building height and the corridor retained to the front of the dwelling, the proposed building would not cause any unreasonable view loss. An assessment for the neighbouring properties in accordance with the court established views principle in this report has also found the view loss to be reasonable.

(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,

Comment:

The proposal reasonably provides for sunlight and solar access through adequate setbacks and physical separation to both public and private open spaces. The proposal is compliant with the controls for Sunlight Access and Overshadowing under the Manly DCP, 2013.

(e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses

Comment:

Not applicable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

4.1.3 Floor Space Ratio (FSR)

Under Clause 4.1.3.1 of the Manly DCP 2013, exceptions to FSR for undersized lots are provided. In this case, the subject site is in Area 'R' for subzones on the LEP lot size map. The clause provides that calculation for FSR on this 'undersized lot' can be based on '750sqm lot size/site area'. The following shows that the proposed development is compliant with this:

Requirement (based on 750sqm lot size/site area)	Proposed
0.4:1 (300m ²)	0.368:1 (276m ²)

4.1.4 Setbacks (front, side and rear) and Building Separation

Description of non-compliance

The proposal is non-compliant with the controls for side setbacks being 0.7m-2m at the eastern setback and 1.1m-3.1m at the western setback.

The proposal is non-compliant with the rear setback being 4.7m with the control of 8m.

The proposal also has windows at these setbacks that are within the 3m setback control for windows at side boundaries.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Comment:

The proposal is for alterations and additions to a dwelling that is compliant with the requirement for building height under the Manly LEP, well modulated to ensure a minimisation in the presentation of bulk in the streetscape and provided with compliant open space requirements under the Manly DCP to ensure the proposed development would be well integrated with the landscape character of the street.

Objective 2) To ensure and enhance local amenity by:

- providing privacy;*
- providing equitable access to light, sunshine and air movement; and*
- facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

Comment:

The proposal involves new windows that are designed and located so that there would not be unreasonable overlooking into neighbouring uses. This includes obscuring and narrow windows to limit the opportunity for overlooking to an adequate level despite the non-compliant setbacks. The proposal is compliant with the requirements for Sunlight access and Overshadowing under the Manly DCP and this provides a equitable provision of light and sunshine. Additionally, the setback of the car parking from the street provides a more desirable circumstance for traffic than the existing situation.

Objective 3) To promote flexibility in the siting of buildings.

Comment:

The siting of the building is similar to the existing situation with the inclusion of two lower levels. The lowest of these levels includes an area for car parking that is off the street and an improved siting on the existing circumstance, regarding setback from the street. The siting of the associated floor space next to and above this car parking is also reasonable due to the compliance with the provision for floor space ratio for undersized lots under Clause 4.1.3.1 of the Manly DCP. This compliance shows that excavation for floor space in conjunction with car parking is to a reasonable extent, given what is expected under the Manly DCP for lots of this size.

Objective 4) To enhance and maintain natural features by:

- accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment:

The proposal is compliant with the control for landscaped area under the Manly DCP and provides appropriate landscaping to the front and rear of the site, subject to conditions.

Objective 5) To assist in appropriate bush fire asset protection zones.

Comment:

Not applicable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the

proposal is supported, in this particular circumstance.

4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

Description of non-compliance

The proposal is non-compliant with the requirement for garages to be a maximum of 50% at the frontage. The proposed garage would be 67% of the frontage.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

Objective 1) To provide accessible and adequate parking on site relative to the type of development and the locality for all users (residents, visitors or employees).

Comment:

The existing situation for car parking is non-compliant with the number of spaces required under the Manly DCP. The alterations and additions to the building would result in providing a compliant situation for parking in terms of number of spaces. Given the constraints of the site including excavation required to provide parking setback from the street, this design provides adequate and accessible parking for the site and existing dwelling.

Objective 2) To reduce the demand for on-street parking and identify where exceptions to onsite parking requirements may be considered in certain circumstances.

Comment:

The proposal provides for two car parking spaces on site which is an addition of one space on the existing circumstance and would further reduce the demand for car parking on site.

Objective 3) To ensure that the location and design of driveways, parking spaces and other vehicular access areas are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact in the streetscape.

Comment:

The proposed garage area is integrated into the design of the dwelling along with landscaping surrounding and a planter box above to assist in minimising visual impact on the streetscape. The car parking is also reasonably setback from the street to ensure access and egress is safe and efficient.

Objective 4) To ensure that the layout of parking spaces limits the amount of site excavation in order to avoid site instability and the interruption to ground water flows.

Comment:

The proposed area for parking is excavated but at the level of the street. Given the positive outcome of providing the parking to be setback from the street and the constraint of the site, excavation to an area level with the street is a suitable limitation of excavation in this circumstance.

Objective 5) To ensure the width and number of footpath crossings is minimised.

Comment:

The proposed driveway crossing provides an adequate size access for two cars to the proposed garage, to ensure width and number of footpath crossings is minimised.

Objective 6) To integrate access, parking and landscaping; to limit the amount of impervious surfaces and to provide screening of internal accesses from public view as far as practicable through appropriate landscape treatment.

Comment:

The proposal is compliant with the control for landscaped area and provides a planter box to the roof of the garage as well as a landscaped area at the eastern boundary. This provides an appropriate integration of car parking and landscaping.

Objective 7) To encourage the use of public transport by limiting onsite parking provision in Centres that are well serviced by public transport and by encouraging bicycle use to limit traffic congestion and promote clean air.

Comment:

The proposal provides adequate on-site parking to be consistent with the number of spaces required by the Manly DCP. As such, further limiting onsite parking is not appropriate in this circumstance.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MLEP 2013 / MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

4.4.2 Alterations and Additions

Pursuant to Clause 4.4.2a), the proposed demolition for the existing house is less than half the building and as such is not assessed as a whole building under this clause (or for controls in this plan- Manly DCP).

An assessment in accordance with the court established planning principle for demolition also found the proposed development to be for alterations and additions for the purposes of assessment. The existing dwelling is substantially retained, and additionally, the presentation of the existing hard surface (retaining walls) and built form is being replaced with built form integrated with landscaping that would result in a similar presentation.

4.4.5 Earthworks (Excavation and Filling)

Description of non-compliance

The proposal is non-compliant with the control for excavation to be "generally limited to 1m below natural ground level," with the exception of basement parking areas. The proposed excavation is for a basement car parking area with floor space to the rear of and above the parking area.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying

Objectives of the Control as follows:

Objective 1) To retain the existing landscape character and limit change to the topography and vegetation of the Manly Local Government Area by:

- Limiting excavation, "cut and fill" and other earthworks;*
- Discouraging the alteration of the natural flow of ground and surface water;*
- Ensuring that development not cause sedimentation to enter drainage lines (natural or otherwise) and waterways; and*
- Limiting the height of retaining walls and encouraging the planting of native plant species to soften their impact.*

Comment:

The proposal involves excavation and this is generally limited to the siting of the building and for the basement parking area. Given the excavation required to provide accessible and adequate parking off the street and the appropriate integration of this parking into the existing dwelling, the concept of excavation below the existing building is reasonable.

As stated in the Geotechnical report provided, the "topography of the block is controlled by the shallow underlying and exposed Hawkesbury Sandstone bedrock." This sandstone is evident at the front of the site along with retaining walls of varying conditions. As a result of these hard surfaces both at ground level and beneath the site, drainage lines on site vary as they are dependent on the natural seams of the rock as well as the shape, nature and condition of the retaining walls. As such, excavation on this site would not alter or disturb a pattern of drainage that cannot be adequately diverted into other areas. Additionally, the geotechnical report stated that there are no natural watercourses on site.

The proposed excavation will also result in the positive outcome of removing retaining walls resulting in a limitation of retaining wall height and a newly formed area available for planting to soften the impact of new retaining walls and the development.

Given the compliant setback to the lowest level of the basement, the impact on topography is also reasonably limited to the subject site. Additionally, a condition has been placed to require a Dilapidation report to further ensure protection.

Overall, the support provided by the geotechnical report (subject to conditions to be enforced), a proposed total floor space that can be reasonably expected (given compliance with the clause for FSR to undersize lots under the Manly DCP), the lack of impact to natural watercourses and the limitation of change to the topography given its existing hard surface and artificial nature, all show that the proposal provides an adequate outcome for the area as a result of the proposed excavation.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is inconsistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Manly Section 94 Development Contributions Plan

S94 Contributions are not applicable to this application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/0764 for Alterations and additions to the existing dwelling house. on land at Lot 35 DP 2610, 98 Cutler Road, CLONTARF, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
02C-DA- Roof Plan/ Stormwater Plan/ Demolition Plan	12.01.18	ArcLab Pty Ltd
DA2018/0764		

03B-DA- Level 4 Floor Plan	12.01.18	ArcLab Pty Ltd
04B-DA- Level 3 Floor Plan	12.01.18	ArcLab Pty Ltd
05B-DA- Level 2 Floor Plan	12.01.18	ArcLab Pty Ltd
06C-DA- Level 1 Floor Plan (Basement)	12.01.18	ArcLab Pty Ltd
07B- DA- Southern Elevation	12.01.18	ArcLab Pty Ltd
08A-DA- Northern Elevation	12.01.18	ArcLab Pty Ltd
09A-DA- Eastern Elevation	12.01.18	ArcLab Pty Ltd
10A-DA- Western Elevation	12.01.18	ArcLab Pty Ltd
11-DA- Section A	12.01.18	ArcLab Pty Ltd
12B- DA- Section B	12.01.18	ArcLab Pty Ltd
14-DA Retaining Wall Plan	12.01.18	ArcLab Pty Ltd

Engineering Plans		
Drawing No.	Dated	Prepared By
Sediment & Erosion Control Plan	12.01.18	ArcLab Pty Ltd
Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Assessment Report for Proposed Alterations and Additions at 98 Cutler Road, Clontarf. MS31225- Page 1-16	17 August 2017	Jack Hodgson Consultants

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
13-DA- Landscape Plan	10.01.18	Arc Lab Pty Ltd

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Prescribed conditions (Demolition):**

(a) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (ii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is

being carried out, but must be removed when the work has been completed.

(b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Legislative Requirement (DACPLB09)

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

4. **General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- o 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

(b) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.

- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) The applicant shall bear the cost of all works that occur on Council's property.
- (f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

5. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not

commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety



- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

6. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

7. On-site Stormwater Detention Compliance

Certification of Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's MANLY SPECIFICATION FOR ON-SITE STORMWATER MANAGEMENT 2003 and the concept drawing by Jack Hodgson Consultants Pty Ltd, Job number 31225 dated 4/7/2018. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

8. **Vehicle Crossings Application**

An application for Driveway levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid. Approval is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To facilitate suitable vehicular access to private property

9. **Blank condition for prior to construction certificate - replace this heading with your condition heading**

A "Consent for use of a portion of Road Reserve" Application will be required for the retaining wall/garden bed within Council's Road Reserve. In this regard please contact Council's Administration Section on 9976 1517. This application must be obtained prior to issuing of the Construction Certificate.

Reason: Encroachment on Council Road Reserve (DACHPCPC1)

10. **Screen Planting**
(2LD02)

A landscaped buffer being provided along the western boundary where side frontage of the development so as to screen the visual impact of the development. Details including species, mature height, planting, pot size (minimum of 25 litres) and spacing to provide continuous screening are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure an effective buffer zone/screen planting is provided.

11. **Dilapidation Report**

A Dilapidation Report is required for this development. A photographic survey of adjoining properties detailing the physical condition of those properties is to be submitted prior to the issue of the Construction Certificate. This survey is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining properties.

All costs incurred in achieving compliance with this condition must be borne by the person entitled to act on this Consent.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

Reason: To maintain proper records in relation to the proposed development.
(DACPLCPC1)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

14. **Vehicle Crossings**

The provision of a vehicle crossing 4 m wide in accordance with Northern Beaches Council Drawing No A4-3330/2 NH and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

15. **Authorisation of Legal Documentation Required for Onsite Detention**

The original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land.

16. **Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any

interim / final Occupation Certificate.

Reason: To identify encumbrances on land.

17. **On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

18. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard

19. **Required Tree Planting**
(2LD03)

Details are to be provided of the existing or proposed native trees for the site which are typically expected to reach a height at maturity of 10 metres, to bring the proposal into compliance with Figure 37 of the Manly Development Control Plan 2013. A list of appropriate native trees for the Manly area may be obtained at Council's Customer Service desk and the Manly Council website. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 2.1.3 of the Manly Development Control Plan 2013, and schedule 4, Part B, Native Tree Selection. Details are to be submitted with the Construction Certificate to the satisfaction of the Council/Accredited Certifier.

This site with Lot Size of 317.9m² requiring 1 tree.

Reason: This is to ensure the planting of endemic trees back onto the site.

20. **Landscape Completion**

(5LD01)

A qualified Landscape Consultant is to submit a Certificate of Practical Completion to the Certifying Authority prior to the issue of the Occupation Certificate, stating the work has been carried out in accordance with the approved Landscape Drawing 13-DA submitted by arclab dated 18.01.18

Additionally side boundary fencing located to rear lawn area of the property.

Reason: This is to ensure the landscaping is planted in accordance with the drawing and maintained appropriately

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

21. Landscape maintenance

(6LP03)


Landscaping is to be maintained in accordance with the approved Landscaping Drawing submitted by arclab dated 10.01.18

Reason: This is to ensure that landscaping is maintained appropriately.































ATTACHMENT A

No notification plan recorded.






ATTACHMENT B

	Notification Document	Title	Date
	2018/297732	Notification Map	16/05/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/291876	Report - Geotechnical	07/12/2017
 2018/291877	Report - Structural Engineering	07/12/2017
 2018/291884	Plans - Landscape	05/04/2018
 2018/291881	Plans - Survey	05/04/2018
 2018/291875	Report - BASIX Certificate	24/04/2018
 2018/291879	Report - Waste Management Plan	24/04/2018
 2018/291873	Report - Statement of Environmental Effects	07/05/2018
 2018/291869	Cost Summary Report	10/05/2018
 DA2018/0764	98 Cutler Road CLONTARF NSW 2093 - Development Application - Alterations and Additions	10/05/2018
 2018/287022	DA Acknowledgement Letter - BBF Town Planners	10/05/2018
 2018/291886	Plans - Shadow Diagrams	14/05/2018
 2018/291889	Plans - External	14/05/2018
 2018/291887	Plans - Stormwater	14/05/2018
 2018/291891	Plans - Internal	14/05/2018
 2018/291893	Plans - Master Set	14/05/2018
 2018/291865	Development Application Form	14/05/2018
 2018/291867	Applicant Details	14/05/2018
 2018/297674	DA Acknowledgement Letter (not integrated) - BBF Town Planners	16/05/2018
 2018/297723	ARP Notification Map	16/05/2018
 2018/297732	Notification Map	16/05/2018
 2018/297744	Notification Letter - 11	16/05/2018
 2018/314751	Landscape Referral Response	24/05/2018
 2018/325033	Enquiry re DA2018/0764 98 Cutler Road Clontarf - Ristich and Moyies	28/05/2018
 2018/343593	Confirmation of Notification Sign - DA2018/0764 - 98 Cutler Road Clontarf	04/06/2018
 2018/355487	Re: Re DA 2018/0764 Att Mr. Thomas Prosser Planner	12/06/2018
 2018/377550	Engineering Referral Response	21/06/2018
 2018/385303	Submission - Tomasy Pty Ltd	22/06/2018
 2018/387273	Submission to DA2018/0764 - 98 Cutler Rd Clontarf - Attn: Thomas Prosser - Assessment Officer	22/06/2018
 2018/390682	Submission Acknowledgement Letter - Tomasy Pty Ltd - SA2018/385303	26/06/2018
 2018/478756	2nd Engineering Referral Response	31/07/2018



	2018/499589	98 Cutler Road, Clontarf- Additional stormwater information	07/08/2018
	2018/512472	DA2018 0764 - 98 Cutler Road Clontarf referral comments from Property	10/08/2018
	2018/520663	Engineering Referral Response	15/08/2018
	2018/586290	Working Plans	10/09/2018
	2018/597558	DDP Plans	14/09/2018

PANEL PLANS

No plans titled 'DDP Panel Plans' found in TRIM.